

REMARKS

Applicant submits this Reply to the final Office Action mailed June 1, 2007. By this Reply, Applicant proposes to amend claims 15, 26, 27, and 29 and canceled claim 25. Accordingly, claims 15, 19-24, and 26-33 remain pending in this application. The originally-filed application fully supports the subject matter of amended claims 15, 26, 27, and 29. Thus, the proposed claim amendments introduce no new matter.

In the Office Action, claims 15, 19-22, and 25-33 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,112,823 to Liberman et al. ("Liberman"); and claims 23 and 24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Liberman in view of U.S. Patent No. 4,522,551 to Henneberry ("Henneberry"). Applicant respectfully traverses these rejections for the reasons provided below.

Applicant submits that Liberman cannot anticipate claims 15, 19-22, and 25-33 because Liberman does not disclose each and every element of independent claims 15 and 29, as amended. With respect to independent claim 15, Liberman fails to disclose, among other things, "a first pump configured to supply fluid from the fluid source to the cylinder during the extension stroke; and a second pump configured to return fluid from the cylinder to the fluid source during a retraction stroke." Liberman discloses a "control apparatus for an intermittently extended hydraulic cylinder . . . which governs cylinder elongation such that the rate of elongation is essentially constant with respect to time." Liberman, Abstract. Liberman further discloses that a "suitable conventional constant flow hydraulic pump 60 (FIG. 4) is driven by a conventional motor 62 and supplies

pressurized fluid to an hydraulic pressure system.” Liberman, col. 5, ll. 28-31.

However, nowhere does Liberman disclose or suggest “a first pump configured to supply fluid from the fluid source to the cylinder during the extension stroke; and a second pump configured to return fluid from the cylinder to the fluid source during a retraction stroke,” as recited in claim 15. Liberman thus cannot anticipate claim 15. Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. § 102(b) rejection of claim 15 and its dependent claims 19-22 and 26-28.

Regarding independent claim 29, Applicant again submits that Liberman fails to disclose each and every element of the claim. For example, Liberman fails to disclose, among other things, that “the motor is configured to receive a first input to drive the ejector at a first speed during a first portion of an ejection stroke and receive a second input, different from the first input, to drive the ejector at a second speed during a second portion of the ejection stroke,” as recited in claim 29. As noted above, Liberman discloses that a “suitable conventional constant flow hydraulic pump 60 (FIG. 4) is driven by a conventional motor 62 and supplies pressurized fluid to an hydraulic pressure system.” Liberman, col. 5, ll. 28-31. Liberman fails to disclose or suggest that the motor “is configured to receive a first input to drive the ejector at a first speed during a first portion of an ejection stroke and receive a second input, different from the first input, to drive the ejector at a second speed during a second portion of the ejection stroke,” as recited in claim 29. Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. § 102(b) rejection of claim 29 and its dependent claims 30-33.

Claims 23 and 24 depend from claim 15 and thus include all the limitations of claim 15. Concerning the rejection of claims 23 and 24 under 35 U.S.C. § 103(a) as

being unpatentable over Liberman in view of Henneberry, Applicant submits that Liberman and Henneberry, either alone or in combination, do not disclose each and every element of claims 23 and 24 and fail to present a *prima facie* case of obviousness. In particular, Henneberry fails to remedy the deficiencies of Liberman noted above with respect to independent claim 15. For example, Henneberry fails to disclose or suggest, among other things, “a first pump configured to supply fluid from the fluid source to the cylinder during the extension stroke; and a second pump configured to return fluid from the cylinder to the fluid source during a retraction stroke,” as required by independent claim 15.

Henneberry discloses that a “hydraulic flow control system 28 includes a reservoir or tank 29 for supplying hydraulic pressure fluid via suction line 30, preferably containing a strainer or filter 31 for the usual purposes, to a pump 32” Henneberry, col. 10, ll. 22-25. Although Henneberry discloses a pump, Henneberry does not disclose or suggest the above recitation of claim 15. Consequently, Liberman and Henneberry, either alone or in combination, fail to disclose or suggest each and every element of claim 15. Claims 23 and 24 are therefore allowable for at least the same reasons that claim 15 is allowable. Withdrawal of the 35 U.S.C. § 103(a) rejection is respectfully requested.

The Office Action contains characterizations of the claims and the related art with which Applicant does not necessarily agree. Unless expressly noted otherwise, Applicant declines to subscribe to any statement or characterization in the Office Action.

In discussing the specification, claims, and drawings in this Reply, it is to be understood that Applicant is in no way intending to limit the scope of the claims to any

exemplary embodiments described in the specification or abstract and/or shown in the drawings. Rather, Applicant is entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

Applicant respectfully requests that this Reply under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 15, 19-24, and 26-33 in condition for allowance. Applicant submits that the proposed amendment of claims 15, 26, 27, and 29 do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their relationships claimed were either earlier claimed or inherent in the claims as examined. Therefore, this Reply should allow for immediate action by the Examiner.

Finally, Applicant submits that the entry of the amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

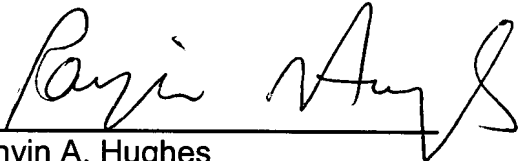
In view of the foregoing remarks, Applicant submits that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art reference cited against this application. Applicant therefore request the entry of this amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: October 2, 2007

By: 
Panyin A. Hughes
Reg. No. 55,288